United Nations A/C.3/52/SR.48

General Assembly

Fifty-second session

Official Records

Distr.: General
9 December 1997

Original: English

Third Committee

Summary record of the 48th meeting

Held at Headquarters, New York, on Wednesday, 26 November 1997, at 10 a.m.

Chairman: Mr. Busacca ..... (Italy)

Contents

Agenda item 103: Crime prevention and criminal justice (*continued*)

Agenda item 112: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of Special Rapporteurs and representatives (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

97-83321 (E)

The meeting was called to order at 10.30 a.m.

Agenda item 103: Crime prevention and criminal justice (*continued*) (A/C.3/52/L.5 and L.43)

Draft resolution A/C.3/52/L.5: Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

1. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.5, which had been recommended by the Economic and Social Council for adoption. He drew the Committee's attention to the statement on the programme budget implications of the draft resolution (A/C.3/52/L.43).

2. **Ms. Newell** (Secretary of the Committee) read out a memorandum from the Director of the Programme Planning and Budget Division concerning revisions to the statement on the programme budget implications of draft resolution A/C.3/52/L.5 (A/C.3/52/L.43). Following a further review of the activities and related resources proposed for the biennium 1998-1999 under section 14, Crime control, the Division had been informed by the Director of the Centre for International Crime Prevention that the additional requirements of $83,700 arising from draft resolution A/C.3/52/L.5 could be met through the redeployment of resources within the overall level of resources proposed under section 14. It was anticipated that the mandated activities programmed under section 14 would be implemented in full. As a result, document A/C.3/52/L.43 should be revised as follows: the second sentence of paragraph 5 would read:

> "Following a detailed review of the activities and related resources proposed for the biennium 1998-1999 under section 14, Crime control, it was considered that the additional requirements of $83,700, for the travel cost of the representatives of the least developed countries, could be met through redeployment of resources within the overall level of resources proposed under that section".

Paragraphs 7, 8 and 9 would be deleted.

3. *Draft resolution A/C.3/52/L.5 was adopted without a vote.*

Agenda item 112: Human rights questions (*continued*)

(a) **Implementation of human rights instruments** (*continued*) (A/C.3/52/L.36/Rev.1)

(b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/C.3/52/L.58, L.66/Rev.1, L.67 and L.68)

(c) **Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/C.3/52/L.65, L.69/Rev.1, L.70 and L.75)

Draft resolution A/C.3/52/L.36/Rev.1: Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

4. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.36/Rev.1, which had no programme budget implications.

5. **Mr. Buchan** (Canada) said that France and the Russian Federation had become sponsors of draft resolution A/C.3/52/L.36/Rev.1. The text of the draft resolution had been revised in several places. The following paragraph had been inserted after the eighth preambular paragraph:

> "*Concerned* that lack of adequate resources not impede the effective functioning of the treaty bodies, including in regard to their ability to work in the applicable working languages,".

In the first line of paragraph 1, the words "*with appreciation*" had been replaced by the words "the submission of". In paragraph 21, the word "*Welcomes*" had been replaced by "*Notes*" and the words "to enhance" in the second line had been replaced by "at".

6. **The Chairman** announced that El Salvador, Israel, Monaco, Nicaragua, Poland, Solomon Islands, Turkmenistan and Ukraine had become sponsors of the draft resolution.

7. **Ms. Castro de Barish** (Costa Rica) urged the Committee to adopt draft resolution A/C.3/52/L.31/Rev.1, as orally revised, in a spirit of conciliation.

8. **Mr. Fernández Palacios** (Cuba) said that his country attached particular importance to the human rights treaty bodies, whose work, if marked by independence and objectivity, could be an essential part of the United Nations human rights machinery. The sponsors of draft resolution A/C.3/52/L.36/Rev.1, however, had attempted to impose their own views as to how those bodies should operate. The negotiations on the draft resolution had been characterized by last-minute consultations, selectivity and inflexibility. The draft attempted to replace the collective efforts of the members of the treaty bodies with the conclusions and recommendations of the meetings of the persons chairing them, which simply reflected the views of the Chairpersons. Attempts to change the treaty body system by integrating

those bodies more closely and subordinating them to the special procedures of the Commission on Human Rights, as called for in paragraph 21 of the draft resolution, would politicize their work and might make constructive dialogue and cooperation with States parties more difficult. His delegation was therefore unable to join in the consensus on paragraph 21 and wished to request a recorded vote on it. The revised version of that paragraph was unsatisfactory to his delegation, which would vote against it.

9. **Mr. Mukhopadhaya** (India) said that, in general, the human rights system was working very effectively and his delegation could support the draft resolution. Nevertheless, India wished to emphasize the difference between the human rights treaty bodies, which were legal in nature, and the Commission on Human Rights and its mechanisms, which were more political and diplomatic. Both had their uses, under different circumstances, and coordination should not lead to a blurring of that distinction or to the politicization of the work of the treaty bodies. On the question of information resources referred to in paragraph 5, he emphasized that the treaty reporting procedure was a crucial element and should not be compromised through the provision of selective information. Nothing should be introduced into the treaty monitoring system that might undermine the independence and integrity of the treaty bodies.

10. **Mr. Kuehle** (United States of America) said that his delegation supported paragraph 21 of the draft resolution, which represented a balanced attempt to deal with the issue of coordination without impairing the interests of any country. He felt that coordination among the treaty bodies and other human rights mechanisms was important and hoped that the draft resolution would be adopted by consensus.

11. **Mr. Aquarone** (Netherlands) said that the Canadian delegation had held numerous consultations on the draft resolution and had accommodated the concerns raised by a number of delegations. It was difficult to see what objections any delegation could have to it. An effort was being made to enhance coordination among human rights bodies, as called for in the Vienna Declaration and Programme of Action. His delegation supported paragraph 21 and wondered whether its substance really warranted a recorded vote.

12. **Mr. Paguaga Fernández** (Nicaragua) said that his delegation did not have any objection to enhanced coordination between the human rights treaty bodies and the mechanisms of the Commission on Human Rights. It would vote in favour of paragraph 21 and supported the entire draft resolution.

13. **Mr. Frederiksen** (Denmark) expressed satisfaction at the transparency with which the Canadian representative had sought to involve all interested delegations in drawing up the draft resolution. It was important to encourage the various components of the human rights system to coordinate their work more closely, so as to reduce the reporting workload for smaller countries and, in general to make the most efficient use of the human rights machinery. Accordingly, his delegation would vote in favour of paragraph 21 and supported the draft resolution as a whole.

14. **Mr. Fernández Palacios** (Cuba) said that his delegation had not seen any transparency in the negotiations on the draft resolution and believed that paragraph 21 would politicize the work of the treaty bodies. The Vienna Declaration and Programme of Action did not call for such cooperation, which would impair the smooth functioning of those bodies. His delegation would vote against paragraph 21.

15. **Mr. Wille** (Norway) commended the delegation of Canada for the exemplary manner in which it had conducted transparent negotiations on the draft resolution and had tried to involve all interested delegations. Paragraph 21 of the draft resolution was important because, it represented a balanced attempt to deal with the issue of coordination.

16. **Mr. Alaei** (Islamic Republic of Iran) said that the wording of paragraph 21 was vague and failed to clarify the extent and framework of the proposed cooperation. His delegation, therefore, would not vote in favour of paragraph 21.

17. **Ms. Wahbi** (Sudan) said that her delegation would vote against paragraph 21 because it believed that it was not possible to coordinate the work of the treaty bodies, which functioned on a permanent basis, with that of the rapporteurs, representatives and working groups of the Commission on Human Rights, whose functioning was temporary in nature. Besides, the work of the treaty bodies was quite different from that of the Commission's mechanisms and establishing a framework for cooperation between them would be difficult. Nevertheless, the fact that her delegation would vote against paragraph 21 did not mean that the Sudan did not support cooperation and coordination in the field of human rights in general.

18. **Mr. Mukhopadhaya** (India) said that his delegation was not completely satisfied with the wording of paragraph 21 and would have preferred to see greater emphasis on the need to respect the distinction between the

treaty bodies and the mechanisms of the Commission on Human Rights. Nevertheless, since his delegation felt that coordination was important, it would abstain in the vote on paragraph 21.

19. *A recorded vote was taken on paragraph 21 of draft resolution A/C.3/52/L.36/Rev.1.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kuwait, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Morocco, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sweden, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen.

Against:

Cuba, Libyan Arab Jamahiriya, Sudan, Syrian Arab Republic.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, China, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kyrgyzstan, Lebanon, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mozambique, Nepal, Nigeria, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Suriname, Thailand, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

* The delegation of Yemen subsequently informed the Committee that it had intended to abstain in the vote on paragraph 21.

20. *Paragraph 21 was adopted by 97 votes to 4, with 41 abstentions.**

21. **Mr. Al-Hariri** (Syrian Arab Republic) said that his delegation had voted against paragraph 21 of the draft resolution because it was not in keeping with the Vienna Declaration and Programme of Action and failed to meet the concerns expressed about the coordination that should exist between the treaty bodies and the Commission. The paragraph also failed to define how coordination among those bodies could best be achieved

22. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.36/Rev.1 as a whole.

23. **Ms. Wahbi** (Sudan), speaking in explanation of position, said that her delegation would join in the consensus on the draft resolution because it was committed to the implementation of human rights instruments and to compliance with reporting obligations thereunder. Nevertheless, it wished to maintain its position on paragraph 21 of the draft resolution.

24. **Mr. Fernández Palacios** (Cuba) said that his delegation could not join in the consensus on draft resolution A/C.3/52/L.36/Rev.1. The vote on paragraph 21 had shown how divided the Committee's views were on the general approach taken in the draft resolution. He hoped that the sponsors would take account of the legitimate concerns expressed by delegations in that regard when dealing with that question in other United Nations forums.

25. *Draft resolution A/C.3/52/L.36/Rev.1, as orally revised, was adopted without a vote.*

26. **Mr. Al-Hariri** (Syrian Arab Republic) said that, although his delegation had joined in the consensus on the draft resolution, it maintained its position on paragraph 21.

27. **Mr. Choe Myong Nam** (Democratic People's Republic of Korea) said that, although his delegation had not opposed the draft resolution, that did not mean that it fully endorsed it. His Government wished to place on record its reservations with regard to paragraph 1 concerning the report of the persons chairing the human rights treaty bodies on their eighth meeting, as well as their conclusions and recommendations, contained in document A/52/507.

28. One of the issues discussed in those conclusions and recommendations was his Government's withdrawal from the International Covenant on Civil and Political Rights. His Government had withdrawn from the Covenant, not because it had any difficulties with the Covenant itself, but because certain hostile forces had pursued the political goal of isolating it by abusing the Covenant. His Government's

withdrawal had been a natural exercise of sovereign rights in response to such political provocation.

29. His Government rejected the paragraph in the conclusions and recommendations concerning its withdrawal from the Covenant and would not consider itself subject to paragraph 1 of the draft resolution.

Draft resolution A/C.3/52/L.58: Human rights and terrorism

30. **The Chairman** informed the Committee that draft resolution A/C.3/52/L.58 had no programme budget implications.

31. **Mr. Arda** (Turkey) said that the Republic of Korea, the Sudan, Tajikistan and The former Yugoslav Republic of Macedonia had become sponsors. The wording of paragraph 7 had been altered to read:

> "*Requests* the Secretary-General to continue to seek views of the Member States on the possible establishment of a voluntary fund for the victims of terrorism, as well as ways and means to rehabilitate the victims of terrorism and to reintegrate them into society;"

and that of paragraph 8 to read:

> "*Also requests* the Secretary-General to seek the views of the Member States on the implications of terrorism, in all its forms and manifestations, and on the full enjoyment of all human rights and fundamental freedoms, and to submit a report on the subject to the General Assembly at its fifty-fourth session;".

32. The draft resolution was without prejudice to the right of peoples under colonial or other forms of alien domination to take any legitimate action to realize their inalienable right to self-determination in accordance with the Charter. However, it was not to be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

33. **Ms. Mesdoua** (Algeria) said that no State could consider itself safe from terrorism and no State should provide a sanctuary for terrorists. Closer international solidarity and cooperation and greater public awareness of the gravity of the terrorist threat were needed if terrorism was to be eradicated. Any hesitation by the international community would send the wrong signal to terrorists, who would see it as a sign of weakness.

34. An excessively legalistic approach or an overly narrow view of human rights could cause terrorists to believe that the international community was tolerant towards them. Terrorism had been clearly and definitively rejected by the international community because it violated the most basic of human rights, the right to life; because it mutilated, tortured and violated human minds and bodies; and because, with its underlying morbid and fascist philosophy, it aimed to paralyse social, political and cultural life and to obstruct the normal exercise of rights and freedoms. Terrorism violated human rights because it disregarded international humanitarian law and was based on death and destruction. Condemning human rights violations committed by terrorists did not give terrorists any special status, but rather increased the pressure upon them by placing them beyond the pale. She therefore urged all delegations to give their full support to the draft resolution.

35. **Ms. Kirsch** (Luxembourg), speaking on behalf of the European Union in explanation of vote before the voting, said that the countries members of the European Union still had reservations about certain parts of the draft resolution and would abstain from voting on it. The European Union unequivocally condemned all terrorist acts and practices, but believed that the Sixth Committee was the most appropriate forum for a thorough consideration of the issue. Terrorism was a threat to democracy and to the free exercise of human rights. The peoples of the European Union had often suffered from criminal acts perpetrated by terrorist groups and had the greatest sympathy for victims of terrorism in any part of the world. However, no State could invoke the existence of terrorism or terrorist activities to justify human rights violations.

36. The European Union disagreed with the wording of the tenth preambular paragraph, which suggested that terrorist acts *per se* constituted human rights violations. The distinction between acts that were attributable to States and criminal acts that were not was an important one; however, the paragraph did not seem to give terrorists any status under international law.

37. **Mr. Kuehle** (United States of America) said that his delegation would also abstain in the voting on the draft resolution. His Government was deeply committed to the international community's efforts to combat terrorism and also to the promotion and protection of human rights throughout the world. In attempting to serve both those causes, however, the draft resolution served neither well. Moreover, the issue could be more appropriately addressed in the Sixth Committee.

38. Equating the criminal conduct of terrorists with that of State agents who violated human rights gave terrorists a measure of legitimacy. In its zeal to denounce terrorist acts and practices, the Third Committee must be careful not to

hamper the effective work of other, more appropriate, United Nations committees and other bodies.

39. *At the request of the representative of the United States of America, a recorded vote was taken.*

In favour:

Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cape Verde, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Georgia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Cameroon, Canada, Chile, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Samoa, San Marino, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Syrian Arab Republic, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

40. *Draft resolution A/C.3/52/L.58, as orally revised, was adopted by 97 votes to 0, with 57 abstentions.*

41. **Mr. Holmes** (Canada) said that his Government strongly condemned all acts of terrorism, wherever and by whomever committed, which was why Canada had supported effective international action to combat such acts, including recent action by the Sixth Committee. It was an unfortunate duplication of effort for the Third Committee to adopt draft resolution A/C.3/52/L.58 and it was also unfortunate that the resolution called for a report by the Secretary-General. His delegation moreover disagreed with the affirmation that terrorists were responsible for gross violations of human rights: terrorists committed crimes and should be brought to justice on that basis. Acts of terrorism could seriously affect the enjoyment of human rights, but only Governments had international human rights obligations. His delegation had therefore abstained in the voting.

42. **Mr. Conroy** (Australia) said that his Government had been extremely active in efforts in the appropriate United Nations forums to strengthen and widen the international regime for combating terrorism. It had also taken steps to encourage adherence to the relevant conventions by States of the Asia and the Pacific region. His delegation had abstained in the voting on the draft resolution because it felt that other United Nations forums, notably the Sixth Committee, were more appropriate for the consideration of the issue of terrorism.

43. **Mr. Florutti** (Argentina) said that his delegation had also abstained in the voting on draft resolution A/C.3/52/L.58. Human rights were violated by States and their agents. While Argentina condemned all forms of terrorism, the draft resolution would give terrorists the status of international subjects, which would be contrary to the prevailing international legal system.

44. **Mr. Wille** (Norway) said that his delegation had abstained because it had reservations about some parts of the draft resolution. Terrorist attacks were criminal and unjustifiable, but the fight against terrorism must be carried out with full respect for human rights and fundamental freedoms. It was Norway's view that international human rights law applied only to Governments, and possibly to some other entities under very specific conditions where they had the attributes of government de facto. It did not accept that individuals and terrorist groups could violate human rights.

45. The Sixth Committee was best suited for a thorough examination of the question of terrorism. The discussion of ways and means to combat international terrorism would best be served by focusing on how the international community could achieve that goal. There was a danger of confusing the issue by discussing whether persons not acting

on behalf of a Government violated the human rights of their victims.

46. **Mr. Najem** (Lebanon) said that his delegation reserved the right to explain its vote in the plenary Assembly.

47. **Mr. Guillén** (Peru) said that his delegation had voted in favour of the draft resolution but did not accept the interpretation whereby certain acts committed with a view to achieving self-determination would not be considered terrorist acts. The end did not justify the means and terrorism must be condemned in all its forms.

48. **Mr. Al-Hariri** (Syrian Arab Republic) said that his delegation had abstained from voting. It reiterated its condemnation of all forms of terrorism as criminal acts which violated the sovereignty and integrity of States. A definition of terrorism was needed which could be accepted by all Member States. The draft resolution failed to mention General Assembly resolution 46/51, paragraph 15 of which reaffirmed the right of peoples under colonial regimes or other forms of alien domination to self-determination, freedom and independence and to struggle legitimately to achieve that right.

49. **Ms. Morgan Sotomayor** (Mexico) said that her delegation unequivocally condemned terrorism, which undermined the stability of States and the promotion and protection of human rights. However her Government was concerned at the linkage made in the draft resolution between terrorism and human rights. Making a conceptual and legal distinction between human rights violations and criminal acts of terrorists remained the most appropriate approach to combating terrorism worldwide. Her delegation had therefore abstained from voting on the draft resolution.

Draft resolution A/C.3/52/L.66/Rev.1: Right to development

50. **Mr. Borda** (Colombia) said that China and Paraguay had become sponsors of the draft resolution. A paragraph had been mistakenly omitted from the draft. The missing paragraph, which should appear after paragraph 16, would read:

> "*Affirms* in this regard that the inclusion of the Declaration on the Right to Development in the International Bill of Human Rights would be an appropriate means of celebrating the fiftieth anniversary of the Universal Declaration of Human Rights;".

Draft resolution A/C.3/52/L.67: Enhancement of international cooperation in the field of human rights

51. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.67, which had no programme budget implications.

52. **Mr. Borda** (Colombia) said that China had become a sponsor of the draft resolution. He drew the Committee's attention to a number of revisions. The first preambular paragraph had been deleted, while the third preambular paragraph had been revised to be read as follows:

> "*Recognizing* that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of *all* human rights,".

The fourth preambular paragraph had been replaced with the following:

> "*Reaffirming* the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues and *underlining* the importance of the promotion of dialogue on human rights issues,".

In the fifth preambular paragraph, the words "*with appreciation*" and "adopted" had been deleted and the words "of the adoption" inserted after "*Taking note*". In paragraph 1, the words "on the importance of cooperation and consultation as well as consensus-building" had been deleted and a number of insertions made. The revised paragraph now read as follows:

> "*Welcomes* the statement made by the Chairman of the Commission on Human Rights, at the 70th meeting of its fifty-third session on 18 April 1997;".

The final version of the draft resolution would contain a footnote outlining the statement in question. In paragraph 2, the words "as well as non-governmental organizations" had been deleted and the words "to continue" inserted after "specialized agencies", while the following phrase had been added at the end of the paragraph:

> "and encourages non-governmental organizations to actively contribute to this endeavour".

Paragraph 3 had been replaced with the following text:

> "*Notes* with appreciation that the Commission on Human Rights will keep under review the matter to which the Chairman's statement refers;".

53. **Mrs. Tavares de Álvarez** (Dominican Republic) said that her delegation wished to become a sponsor of the draft resolution.

54. **The Chairman** announced that Costa Rica, El Salvador, Mali and Nicaragua also wished to become sponsors.

55. *Draft resolution A/C.3/52/L.67, as orally revised, was adopted.*

Draft resolution A/C.3/52/L.68: Situation of human rights in Cambodia

56. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.68, which had no programme budget implications.

57. **Ms. Cath** (Australia) said that Belgium, Finland, France, Germany, Iceland, Ireland, Israel, the Netherlands, Portugal, Romania and Spain had become sponsors of the draft resolution.

58. **Mr. Nuanthasing** (Lao People's Democratic Republic) said he regretted that the Cambodian delegation had not been able to participate in the elaboration of the draft resolution as in previous years, there being no Cambodian representative at the current session of the General Assembly. The lack of input from Cambodia had resulted in a draft resolution which reflected only the negative aspects of the human rights situation in that country. He hoped that, in future, the sponsors would bear in mind the need for consultation, since that appeared to him to be the best way of securing the cooperation of the Cambodian Government and thus ensuring the implementation of the draft resolution.

59. *Draft resolution A/C.3/52/L.68 was adopted.*

Draft resolution A/C.3/52/L.70: Situation of human rights in Nigeria

60. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.70, which had no programme budget implications.

61. **Mr. Ayewah** (Nigeria) said that the draft resolution was subjective, tendentious and, in places, inaccurate. The reference in the second preambular paragraph to the fact that Nigeria was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child should be deleted, since there was no evidence to suggest that his Government discriminated on grounds of race or age. The assertion in the fifth preambular paragraph that the Commonwealth had concluded that there had been no real progress on human rights and the restoration of democracy in Nigeria was untrue. The Commonwealth had in fact positively evaluated his Government's programme of transition to democracy. In accordance with that programme, elections to local councils had already taken place and preparations for elections to the national legislature were under way.

62. Turning to the operative part of the draft resolution, he said that, while paragraph 1 welcomed his Government's declared commitment to civilian rule, there was no mention of the positive steps which it had taken to fulfil that commitment, which included the establishment of a national electoral commission, the registration of voters and political parties and the delimitation of constituencies. The allegations of grave human rights violations and failure to respect due process of law in paragraph 2 (a) were unfounded and it was unfair to posit a link, as paragraph 2 (b) did, between those phenomena and the absence of representative government, since abuses were known to occur in representatively governed countries. Contrary to the assertion in paragraph 2 (c), the decree under which Ken Saro-Wiwa and his associates had been tried had been amended since the Secretary-General's good offices mission to Nigeria and appeals could now take place. A number of detainees had already been released following decisions of the court, and the Head of State, General Sanni Abacha, had declared his intention of granting amnesties to other prisoners. With regard to paragraph 2 (d), he had already referred to the preparatory steps taken by his Government to secure the reinstallation of a representative, democratically elected Government. As to paragraph 2 (e), it was unfair to state that his Government had refused to cooperate with the Commission on Human Rights and its mechanisms, since it was the thematic rapporteurs that had cancelled their mission to Nigeria following a disagreement with local officials as to their working methods. Furthermore, consultations were under way between the newly appointed Special Rapporteur on the situation of human rights in Nigeria and Nigeria's Permanent Representative to the United Nations Office at Geneva, as stated in the note by the Secretary-General (A/52/688).

63. With regard to paragraph 3, his delegation rejected the implication that certain detainees had been imprisoned because they belonged to a minority group. The Ogoni detainees to whom the draft resolution presumably referred were being held on charges of murder. Paragraph 3 (d), in which his Government was urged to take credible steps to restore democratic government, reflected the sponsors' ignorance of or unwillingness to acknowledge the efforts already undertaken to that end within the context of the programme of transition. A more constructive approach would have consisted in offering Nigeria the support of the international community in implementing the programme. He noted that the Secretary-General, as stated in document A/52/688, was currently considering ways in which the

United Nations system might assist his Government in that regard. Paragraph 3 (e) was unfair to the National Human Rights Commission, which had conducted its investigations with great integrity, while the reference in paragraph 3 (g) to International Labour Organization (ILO) Convention No. 87 was inappropriate, since Nigeria's compliance with that instrument was a matter for ILO to consider.

64. He called upon the sponsors to withdraw the draft resolution or to make such revisions as were necessary to ensure that it fully reflected the facts. If they were unwilling so to do, he would request a recorded vote and urge all delegations to oppose the draft resolution.

65. **Mr. Abba Kourou** (Niger) said that while respect for human rights was of great importance to his delegation, it could not support the draft resolution currently before the Committee since the sponsors had failed to take account of the remarkable progress made in Nigeria towards restoring democracy. Moreover, following the adoption of draft resolution A/C.3/52/L.57 on the importance of non-selectivity, impartiality and objectivity in the field of human rights, he had hoped that more emphasis would be placed on the cultural specificities and, in particular, the level of development of Member States when their human rights records were considered. Since that was clearly not the case, his delegation intended to vote against the draft resolution.

66. *At the request of the representative of Nigeria, a recorded vote was taken.*

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zimbabwe.

Against:

Benin, China, Cuba, Democratic People's Republic of Korea, Ghana, Iran (Islamic Republic of), Liberia, Libyan Arab Jamahiriya, Myanmar, Niger, Nigeria, Sierra Leone, Sudan, Syrian Arab Republic, Togo.

Abstaining:

Angola, Antigua and Barbuda, Bahrain, Bangladesh, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Colombia, Côte d'Ivoire, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Guinea, Guinea-Bissau, India, Indonesia, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Malaysia, Mali, Mauritania, Mexico, Morocco, Mozambique, Namibia, Nepal, Pakistan, Panama, Papua New Guinea, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Singapore, Sri Lanka, Suriname, Swaziland, Thailand, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia.

67. *Draft resolution A/C.3/52/L.70 was adopted by 79 votes to 15, with 56 abstentions.**

Draft resolution A/C.3/52/L.75, Situation of human rights in Afghanistan

68. **The Chairman** invited the Committee to take action on draft resolution A/C.3/52/L.75, which had no programme budget implications.

69. *Draft resolution A/C.3/52/L.75 was adopted.*

70. **Mr. Paguaga Fernández** (Nicaragua), speaking in exercise of the right of reply in response to the statement made by the Cuban delegation at the Committee's 47th meeting, said that while the Cuban delegation had every right to use absurd and anachronistic arguments to defend the indefensible, it did not have the right to insult countries that had chosen the path of democracy. Nicaragua took great exception to being criticized by a regime which had kept one man in power for nearly four decades. The Cuban regime had no right to criticize any country where democracy was flouring anew. The General Assembly should also take note of Cuba's thinly veiled threats against the sponsors of draft resolution A/C.3/52/L.73. The real tragedy was that the Cuban Government was denying its people any genuine alternative to the present tyrannical and outdated system.

71. **Mr. Rendón Barnica** (Honduras), speaking in exercise of the right of reply, said that his delegation regretted the politicization of human rights issues by some

* The delegation of Algeria subsequently informed the Committee that it had intended to abstain.

delegations, particularly those representing undemocratic regimes that had come to power by force of arms, as was the case of Cuba. Honduras, a developing country, was not ashamed of being poor. Poverty was not synonymous with lack of democracy or lack of respect for human rights and freedoms. There were freedoms in Honduras that were not found in Cuba, and the rights of all Hondurans were protected under the Constitution.

72. His Government was unaware that there were any political exiles in Cuba or any Honduran economic refugees or indeed that there were any Cuban businessmen investing in Honduras. On the other hand, there were Cuban political exiles and economic refugees in Honduras, and Honduran businessmen were investing in Cuba, creating jobs that fed Cuban families. His delegation reserved the right to explain its vote when draft resolution A/C.3/52/L.73 was discussed in the plenary Assembly.

73. **Mr. Arda** (Turkey), speaking in exercise of the right of reply, noted, with respect to the statement made by the Syrian delegation following the vote on draft resolution A/C.3/52/L.71, that Turkey had always been committed to preserving the independence, sovereignty and territorial integrity of Iraq. There was a de facto vacuum of authority in northern Iraq which had made it possible for armed terrorist elements to launch armed attacks into Turkish territory. His Government was trying to prevent such attacks, which posed an unacceptable security threat to his country and to the lives and property of Turkish citizens in the border areas. Until the Iraqi Government reestablished its control over the north of the country, his Government would not hesitate to take all appropriate measures to remove the threat directed against it from northern Iraq.

74. **Mr. Fernández Palacios** (Cuba), speaking in exercise of the right of reply, said that some representatives seemed to be trying to disrupt the Committee's work. If they could promulgate a decree to simply erase history and the past, they would not hesitate to do so. The representative of Nicaragua was a former henchman of Somoza and a current advocate of Somoza's policies. That representative should be ashamed of instructing others in democracy, given his own murky past. The United Nations should deal with hard facts and nothing else.

75. **Mr. Al-Hariri** (Syrian Arab Republic), speaking in exercise of the right of reply, said that his comments at the previous meeting had been intended to give a balanced account of the facts. The representative of Turkey could not the invoke a de facto power vacuum in northern Iraq to justify the invasion of Iraq by Turkey's armed forces. Under the pretext of combating terrorism, certain States were trying to export their domestic problems and to shift the blame onto other States in the region. The truth was that Turkey was occupying a large part of the territory of a Member State of the United Nations, and the international community should acknowledge that fact.

76. **Mr. Paguaga Fernández** (Nicaragua), speaking in exercise of the right of reply, said that the Cuban representative had referred, at the previous meeting, to poverty and the situation of children in Nicaragua. Poverty did not bar his Government from condemning the massive violations of human rights in Cuba. Besides, Nicaragua's social problems were mainly the legacy of years of Sandinista oppression and misrule.

77. **Mr. Arda** (Turkey), speaking in exercise of the right of reply, said that every State had the primary responsibility to protect and defend the lives, property and well-being of its citizens. The terrorist elements operating in northern Iraq had found sanctuary and support in a country that was now attempting to level groundless allegations against Turkey. His Government was determined to defend its borders and would take all appropriate measures to safeguard its legitimate security interests, while preserving the territorial integrity of Iraq.

78. **Mr. Al-Humaimidi** (Iraq), speaking in exercise of the right of reply, endorsed the statement made by the representative of the Syrian Arab Republic. There was no justification whatsoever for any State to enter the territory of another State under the pretext of combating terrorism. The Turkish representative's argument was very flimsy. Turkey believed that might was right and it had designs on northern Iraq. It was exploiting the situation there ostensibly to combat terrorism, which was really indigenous to Turkey. Everyone was aware of the situation in northern Iraq and of the fact that countries such as the United Kingdom and the United States of America were maintaining a military presence in the area. It was they who should be blamed for any terrorist attacks that were launched from northern Iraq into Turkey.

79. **Mr. Fernández Palacios** (Cuba), speaking in exercise of the right of reply, said that heinous crimes had been committed in Nicaragua. The representative of Nicaragua had said nothing about the millions of dollars received by his Government from the proceeds of terrorism and drug trafficking. Moreover, it should be recalled that, under the Somoza regime, Nicaragua had been used as a launching pad for acts of aggression against Cuba. Cuba was a model of resistance and independence and had already secured its

place in history, and its Government had no murky past to be ashamed of.

80. **Mr. Al-Hariri** (Syrian Arab Republic), speaking in exercise of the right of reply, said that the aim of the military alliances in the Middle East region was to destabilize the countries there. Turkey was trying to export its domestic problems to Iraq.

81. **Mr. Ovia** (Papua New Guinea), announced that his delegation wished to change its vote on draft resolution A/C.3/52/L.73. It wished to vote against the resolution, in view of improvements in the human rights situation in Cuba.

82. **Mr. Kourou** (Niger) said that his delegation had intended to abstain in the voting on the draft resolution on the situation of human rights in Iraq (A/C.3/52/L.71).

The meeting rose at 1.05 p.m.